

REGISTRY OF ELECTION FINANCE

The Registry of Election Finance met Wednesday, January 9, 2013, at Suite 104 of Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.

Presiding over the meeting was Chairperson Justin Pitt. Attending the meeting were board members Henry Fincher, Patricia Heim, Norma Lester, Darlene McNeece and Robert Rochelle. Rochelle attended the meeting; however, he could not participate because he had not received the required training.

Election of Officers

A motion was made by McNeece, seconded by Heim, to name Henry Fincher as chairperson. A motion was made by Pitt, seconded by Lester, to name Patricia Heim as secretary for 2013 by acclamation.

Approval of Meeting Minutes

On motion by Heim, seconded by McNeece, the board voted unanimously to approve the minutes from the November 14, 2012 regular board meeting.

Request for Reconsideration

11-59 Madison County Democratic Executive Committee, for failure to file a 2011 mid-year supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. The organization has had previous matters before the board. (see below)

The board voted at its October 12, 2011 meeting to issue the organization a show cause notice.

The board voted at its January 11, 2012 meeting to assess the organization a \$10,000 civil penalty. The organization requested a reconsideration of the \$10,000 civil penalty assessment.

George Barrett, representative for the organization, and Patsy Johnson, treasurer for the organization, filed the required report and personally appeared before the board to request a reconsideration of the civil penalty assessment.

On motion by Heim, seconded by McNeece, the board voted unanimously to reconsider the \$10,000 civil penalty assessment. On motion by Heim, seconded by Lester, the board voted unanimously to reduce the civil penalty from \$10,000 to \$0. (Fincher not present at this time)

12-11 Madison County Democratic Executive Committee, for failure to timely file a 2011 year-end supplemental campaign financial disclosure report. Class one (1), 11 days late, maximum two hundred seventy-five (\$275) civil penalty. The organization has had previous matters before the board. (see above and below)

The board voted at its May 9, 2012 meeting to issue the organization a show cause notice.

The board voted at its June 13, 2012 meeting to assess the organization a \$275 civil penalty. The organization requested a reconsideration of the \$275 civil penalty assessment.

George Barrett, representative for the organization, and Patsy Johnson, treasurer for the organization, personally appeared before the board to request a reconsideration of the civil penalty assessment.

On motion by Heim, seconded by McNeece, the board voted unanimously to reconsider the \$275 civil penalty assessment. On motion by Heim, seconded by Lester, the board voted unanimously to reduce the civil penalty from \$275 to \$0. (Fincher not present at this time)

12-22 Madison County Democratic Executive Committee, for failure to file a 2012 1st quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. The organization has had previous matters before the board. (see above)

The board voted at its June 13, 2012 meeting to issue a show cause notice.

The board voted at its August 8, 2012 meeting to assess the organization a \$10,000 civil penalty. The organization requested a reconsideration of the \$10,000 civil penalty assessment.

George Barrett, representative for the organization, and Patsy Johnson, treasurer for the organization, filed the required report and personally appeared before the board to request a reconsideration of the civil penalty assessment.

On motion by Heim, seconded by McNeece, the board voted unanimously to reconsider the \$10,000 civil penalty assessment. On motion by Heim, seconded by Lester, the board voted unanimously to reduce the civil penalty from \$10,000 to \$0. (Fincher not present at this time)

Statement Submitted

12-41 Jenny Hunt, for failure to file a 2012 mid-year supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Ms. Hunt has had no previous matters before the board.

The board voted at its October 23, 2012 meeting to issue Ms. Hunt a show cause notice.

The board voted at its November 14, 2012 meeting to defer any further action in this matter until the next regularly scheduled meeting to allow Ms. Hunt an opportunity to amend her campaign financial disclosure report to correct her incorrect Balance on Hand.

Ms. Hunt amended the mid-year supplemental report and submitted a statement for the board's consideration.

On motion by Heim, seconded by McNeece, the board voted unanimously to take no further action in this matter. (Fincher not present at this time)

12-50 Bill Owen, for failure to file a 2012 mid-year supplemental campaign financial disclosure report with the Knox County Election Commission. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Owen has had no previous matters before the board.

The board voted at its October 23, 2012 meeting to issue Mr. Owen a show cause notice.

The board voted at its November 14, 2012 meeting to defer any further action in this matter until the next regularly scheduled meeting to allow Mr. Owens an opportunity to respond to the show cause notice.

Mr. Owen submitted a sworn statement for the board's consideration.

On motion by Pitt, seconded by Heim, the board voted unanimously to take no further action in this matter. (Fincher not present at this time)

Cases Subject to Approval of Civil Penalty Order

12-37 Quenston Coleman, for failure to file a 2012 2nd quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Coleman has had a previous matter before the board. (see below)

The board voted at its October 23, 2012 meeting to issue Mr. Coleman a show cause notice.

Director Rawlins informed the board that there has been no response to the show cause notice and that the report still has not been filed.

On motion by Heim, seconded by McNeece, the board voted unanimously to assess Mr. Coleman a \$10,000 civil penalty assessment. (Fincher not present at this time.)

12-38 Quenston Coleman, for failure to file a 2012 pre-primary campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Coleman has had a previous matter before the board. (see above and below)

The board voted at its October 23, 2012 meeting to issue Mr. Coleman a show cause notice.

Director Rawlins informed the board that there has been no response to the show cause notice and that the report still has not been filed.

On motion by Heim, seconded by McNeece, the board voted unanimously to assess Mr. Coleman a \$10,000 civil penalty assessment. (Fincher not present at this time.)

12-43 Anesthesia Services PAC, for failure to timely file a 2012 pre-primary campaign financial disclosure report. Class one (1), 23 days late, maximum five hundred seventy-five (\$575) civil penalty. The organization has had no previous matters before the board.

The board voted at its October 23, 2012 meeting to issue the organization a show cause notice.

Director Rawlins informed the board that there has been no response to the show cause notice.

On motion by Heim, seconded by McNeece, the board voted unanimously to assess the organization a \$575 civil penalty. (Fincher not present at this time.)

12-44 Carter County Democratic Party, for failure to timely file a 2012 pre-primary campaign financial disclosure report. Class one (1), 27 days late, maximum six hundred seventy-five (\$675) civil penalty. The organization has had a previous matter before the board. (see below)

The board voted at its October 23, 2012 meeting to issue the organization a show cause notice.

Kenneth Treadway, treasurer for the organization, submitted a sworn statement for the board's consideration.

On motion by Pitt, seconded by Heim, the board voted unanimously to take no further action in this matter. (Fincher not present at this time.)

12-45 Carter County Democratic Party, for failure to file an appointment of political treasurer statement. Class two (2), statement not filed, maximum ten thousand (\$10,000) civil penalty. The organization has had a previous matter before the board. (see above)

The board voted at its October 23, 2012 meeting to issue the organization a show cause notice.

Kenneth Treadway, treasurer for the organization, submitted a sworn statement for the board's consideration.

On motion by Pitt, seconded by Heim, the board voted unanimously to take no further action in this matter. (Fincher not present at this time.)

12-48 Washington County Republican Executive Committee, for failure to file a 2012 pre-primary campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. The organization has had a previous matter before the board. (see below)

The board voted at its October 23, 2012 meeting to issue the organization a show cause notice.

Director Rawlins informed the board that the report has been filed but that there has been no response to the show cause notice.

On motion by Heim, seconded by Lester, the board voted unanimously to assess the organization a \$10,000 civil penalty. (Fincher not present at this time.)

Cases Considered for Issuance of Show Cause Notice

Mary Rene Baxter, for failure to timely file a 2012 3rd quarter campaign financial disclosure report. Class one (1), 24 days late, maximum six hundred (\$600) civil penalty. Ms. Baxter has had a previous matter before the board.

On motion by Pitt, seconded by Lester, the board voted unanimously to take no action. (Fincher not present at this time.)

Kenneth Buser, for failure to timely file a 2012 pre-general campaign financial disclosure report. Class one (1), three days late, maximum seventy-five (\$75) civil penalty. Mr. Buser has had no previous matters before the board.

On motion by Pitt, seconded by Lester, the board voted unanimously to take no action. (Fincher not present at this time.)

Michael Clark, for failure to file a 2012 3rd quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Clark has had a previous matter before the board. (see below)

On motion by Pitt, seconded by McNeece, the board voted unanimously to issue a show cause notice. (Fincher not present at this time.)

Michael Clark, for failure to file a 2012 pre-general campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Clark has had a previous matter before the board. (see above)

On motion by Pitt, seconded by McNeece, the board voted unanimously to issue a show cause notice. (Fincher not present at this time.)

Quenston Coleman, for failure to file a 2012 3rd quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Coleman has had previous matters before the board. (see above)

On motion by Pitt, seconded by McNeece, the board voted unanimously to issue a show cause notice. (Fincher not present at this time.)

Woody Degan, for failure to file a 2012 3rd quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Degan has had no previous matters before the board.

On motion by Pitt, seconded by McNeece, the board voted unanimously to issue a show cause notice. (Fincher not present at this time.)

Ryan Harring, for failure to file a 2012 3rd quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Harring has had no previous matters before the board.

On motion by Pitt, seconded by McNeece, the board voted unanimously to issue a show cause notice. (Fincher not present at this time.)

Leah Kirk, for failure to file a 2012 pre-general campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Ms. Kirk has had no previous matters before the board.

On motion by Pitt, seconded by McNeece, the board voted unanimously to issue a show cause notice. (Fincher not present at this time.)

Anita Tipton, for failure to file a 2012 3rd quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Ms. Tipton has had previous matters before the board.

On motion by Pitt, seconded by McNeece, the board voted unanimously to issue a show cause notice. (Fincher not present at this time.)

Joe Towns, Jr., for failure to timely file a 2012 3rd quarter campaign financial disclosure report. Class one (1), 22 days late, maximum five hundred fifty (\$550) civil penalty. Rep. Towns has had previous matters before the board.

On motion by Pitt, seconded by McNeece, the board voted unanimously to issue a show cause notice. (Fincher not present at this time.)

Steven Turner, for failure to timely file a 2012 3rd quarter campaign financial disclosure report. Class one (1), one day late, maximum twenty-five (\$25) civil penalty. Mr. Turner has had previous matters before the board.

On motion by Pitt, seconded by Lester, the board voted unanimously to take no action. (Fincher not present at this time.)

Ron Smith, for failure to file a 2012 3rd quarter campaign financial disclosure report with the Sullivan County Election Commission. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Smith has had no previous matters before the board.

On motion by Pitt, seconded by McNeece, the board voted unanimously to issue a show cause notice. (Fincher not present at this time.)

Chattanooga Firefighters Assn PAC, for failure to timely file a 2012 3rd quarter campaign financial disclosure report. Class one (1), eight days late, maximum two hundred (\$200) civil penalty. The organization has had a previous matter before the board. (see below)

On motion by Pitt, seconded by McNeece, the board voted unanimously to issue a show cause notice. (Fincher not present at this time.)

Chattanooga Firefighters Assn PAC, for failure to timely file a 2012 pre-general campaign financial disclosure report. Class one (1), eight days late, maximum two hundred (\$200) civil penalty. The organization has had a previous matter before the board. (see above)

On motion by Pitt, seconded by McNeece, the board voted unanimously to issue a show cause notice. (Fincher not present at this time.)

Clarksville Firefighters PAC, for failure to timely file a 2012 pre-general campaign financial disclosure report. Class one (1), one day late, maximum twenty-five (\$25) civil penalty. The organization has had no previous matters before the board.

On motion by Pitt, seconded by Lester, the board voted unanimously to take no action. (Fincher not present at this time.)

Common Sense PAC, for failure to timely file a 2012 pre-general campaign financial disclosure report. Class one (1), 16 days late, maximum four hundred (\$400) civil penalty. The organization has had no previous matters before the board.

On motion by Pitt, seconded by McNeece, the board voted unanimously to issue a show cause notice. (Fincher not present at this time.)

Iron Workers LU 492 PAC, for failure to timely file a 2012 3rd quarter campaign financial disclosure report. Class one (1), 19 days late, maximum four hundred seventy-five (\$475) civil penalty. The organization has had previous matters before the board.

On motion by Pitt, seconded by McNeece, the board voted unanimously to issue a show cause notice. (Fincher not present at this time.)

McCall PAC, for failure to timely file a 2012 3rd quarter campaign financial disclosure report. Class two (2), 31 days late, maximum ten thousand (\$10,000) civil penalty. The organization has had a previous matter before the board. (see below)

On motion by Pitt, seconded by McNeece, the board voted unanimously to issue a show cause notice. (Fincher not present at this time.)

McCall PAC, for failure to timely file a 2012 pre-general campaign financial disclosure report. Class one (1), ten days late, maximum two hundred fifty (\$250) civil penalty. The organization has had a previous matter before the board. (see above)

On motion by Pitt, seconded by McNeece, the board voted unanimously to issue a show cause notice. (Fincher not present at this time.)

Olin Good Government Fund, for failure to timely file a 2012 pre-general campaign financial disclosure report. Class one (1), one day late, maximum twenty-five (\$25) civil penalty. The organization has had no previous matters before the board.

On motion by Pitt, seconded by Lester, the board voted unanimously to take no action. (Fincher not present at this time.)

Victory 2006 PAC, for failure to timely file a 2012 pre-general campaign financial disclosure report. Class one (1), one day late, maximum twenty-five (\$25) civil penalty. The organization has had no previous matters before the board.

On motion by Pitt, seconded by Lester, the board voted unanimously to take no action. (Fincher not present at this time.)

Washington County Republican Executive Committee, for failure to file a 2012 pre-general campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. The organization has had a previous matter before the board. (see above)

On motion by Pitt, seconded by McNeece, the board voted unanimously to issue a show cause notice. (Fincher not present at this time.)

White County Democratic Party, for failure to file a 2012 pre-general campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. The organization has had no previous matters before the board.

On motion by Pitt, seconded by McNeece, the board voted unanimously to issue a show cause notice. (Fincher not present at this time.)

Sworn Complaint

Director Rawlins provided the board with a sworn complaint filed with the Registry from Tim O'Brien against Strong Schools.

Without objection, the board voted unanimously to defer any action in this matter until the next regularly scheduled meeting and requested that Registry staff obtain further information about the group from the Sumner County Election Commission.

Audit Review

Nancy Fischman

On motion by Heim, seconded by Pitt, the board voted unanimously to approve Ms. Fischman's 2012 3rd quarter unitemized campaign finance audit with the included findings.

On motion by Heim, seconded by McNeece, the board voted unanimously to take no action in this matter.

Brenda Gilmore

On motion by Heim, seconded by Pitt, the board voted unanimously to approve Rep. Gilmore's 2012 unitemized campaign finance audit with the included finding.

On motion by Heim, seconded by Pitt, the board voted unanimously to take no action in this matter.

John Mark Windle

On motion by Heim, seconded by Pitt, the board voted unanimously to approve Rep. Windle's 2012 pre-general unitemized campaign finance audit with no findings.

PAC to PAC Cross Indexing Report

Director Rawlins provided the board with a cross indexing report which compares contributions and expenditures between PACs for the 2012 1st quarter, 2nd quarter, pre-primary and 3rd quarter reporting periods.

After reviewing the report, on motion by Lester, seconded by Heim, the board voted unanimously to take no action except for the Shelby County Republican Party PAC, in which they deferred action until the next regularly scheduled meeting to allow them an opportunity to report the missing contributions.

Executive Director's Report

- Director Rawlins provided the board with documentation at the Registry's November 14, 2012 meeting concerning a possible violation of T.C.A. 2-10-114(b)(2)(E), which prohibits candidates from paying for tuition payments with their campaign funds, by Rep. Mark White.

The board requested at the November 14, 2012 meeting that Registry staff send Rep. White a letter stating the Registry's concern of the issue and request that he either refund his campaign for the expenses or explain in more detail how using campaign funds for this expense benefits his campaign.

Director Rawlins informed the board that Rep. White is going to refund his campaign account for the tuition expenses.

- Director Rawlins reminded the board members that they are required to file their annual Statement of Interests report by January 31, 2013.

Other Business

On motion by Lester, seconded by Fincher, the board voted unanimously to adjourn the meeting until the next regularly scheduled meeting.